

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

J.S., (a minor child by and through his
father and next friend, John Seawright),

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Plaintiff,

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*

vs. *Civil Case No. 02:05-cv-928-WKW

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Officer Curt Campbell, in his individual
capacity,

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Defendant.

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**DEFENDANT'S AMENDED SPECIAL INTERROGATORIES TO THE JURY
REGARDING QUALIFIED IMMUNITY AND DISCRETIONARY FUNCTION IMMUNITY**

COMES NOW the Defendant, by and through counsel, pursuant to *Johnson v. Breeden*, 280 F.3d 1308, 1317-19 (11th Cir. 2002), and request the court to submit special interrogatories to the jury on the issue of qualified immunity and discretionary function immunity. Defendant requests the following special interrogatories be submitted to the jury:

1. Do you find that at the time Officer Campbell detained Plaintiff, Plaintiff made an obscene gesture and utilized fighting words?

Yes

No

2. Do you find that the Plaintiff was belligerent?

Yes

No

3. Do you find that the Plaintiff utilized profanity?

Yes

No

4. Do you find that the Plaintiff attempted to strike or actually struck Officer Campbell?

Yes

No

5. Do you believe that it is at least arguable that Officer Campbell had reasonable suspicion to believe that the Plaintiff made an obscene gesture and utilized fighting words?

Yes

No

6. Do you find that Plaintiff utilized obscene language in the presence of individuals, other than Officer Campbell, that could hear the obscene language?

Yes

No

7. Do you find that Plaintiff's gesture was speech protected by the United States Constitution?

Yes

No

Rick A. Howard

Alex L. Holtsford, Jr. (HOL048)

Rick A. Howard (HOW045)

April Willis (WIL304)

Attorneys for Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day sent by mail, postage prepaid, an exact copy of the foregoing document to:

Jay Lewis
Andy Nelms
847 S. McDonough Street
Montgomery, Alabama 36104

This the 24th day of October, 2006.

Rick A. Howard

OF COUNSEL